



APPLICATION ACCEPTED: June 10, 2014  
BOARD OF ZONING APPEALS: December 10, 2014  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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December 3, 2014

## STAFF REPORT

SPECIAL PERMIT NO. SP 2014-HM-103

### HUNTER MILL DISTRICT

**APPLICANT:** Farnaz Javidanrad

**OWNERS:** Farnaz Javidanrad  
Hossein Garoossi

**SUBDIVISION:** Money's Corner, Section 4

**STREET ADDRESS:** 2606 A Seskey Glen Ct., Herndon, 20171

**TAX MAP REFERENCE:** 26-3 ((14)) 4

**LOT SIZE:** 20,000 square feet

**ZONING DISTRICT:** R-1

**ZONING ORDINANCE PROVISIONS:** 8-305

**SPECIAL PERMIT PROPOSAL:** To permit a home child care facility.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2014-HM-103 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

*Laura Arseneau*

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The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

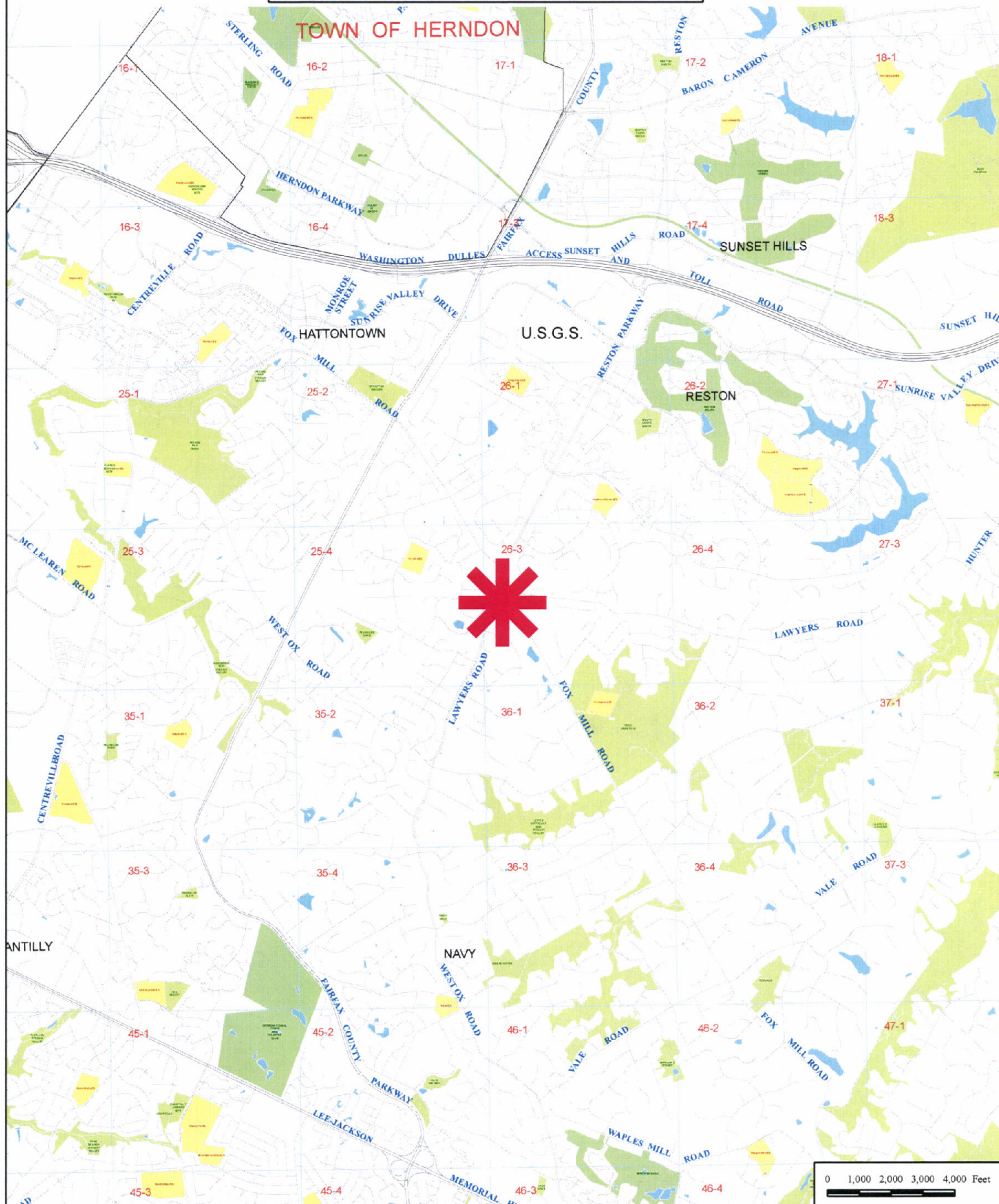
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



# Special Permit

SP 2014-HM-103

FARNAZ JAVIDANRAD





## FARNAZ JAVIDANRAD





LAWYERS ROAD

VARIABLE WIDTH

N 38°39'35" E  
12.50'

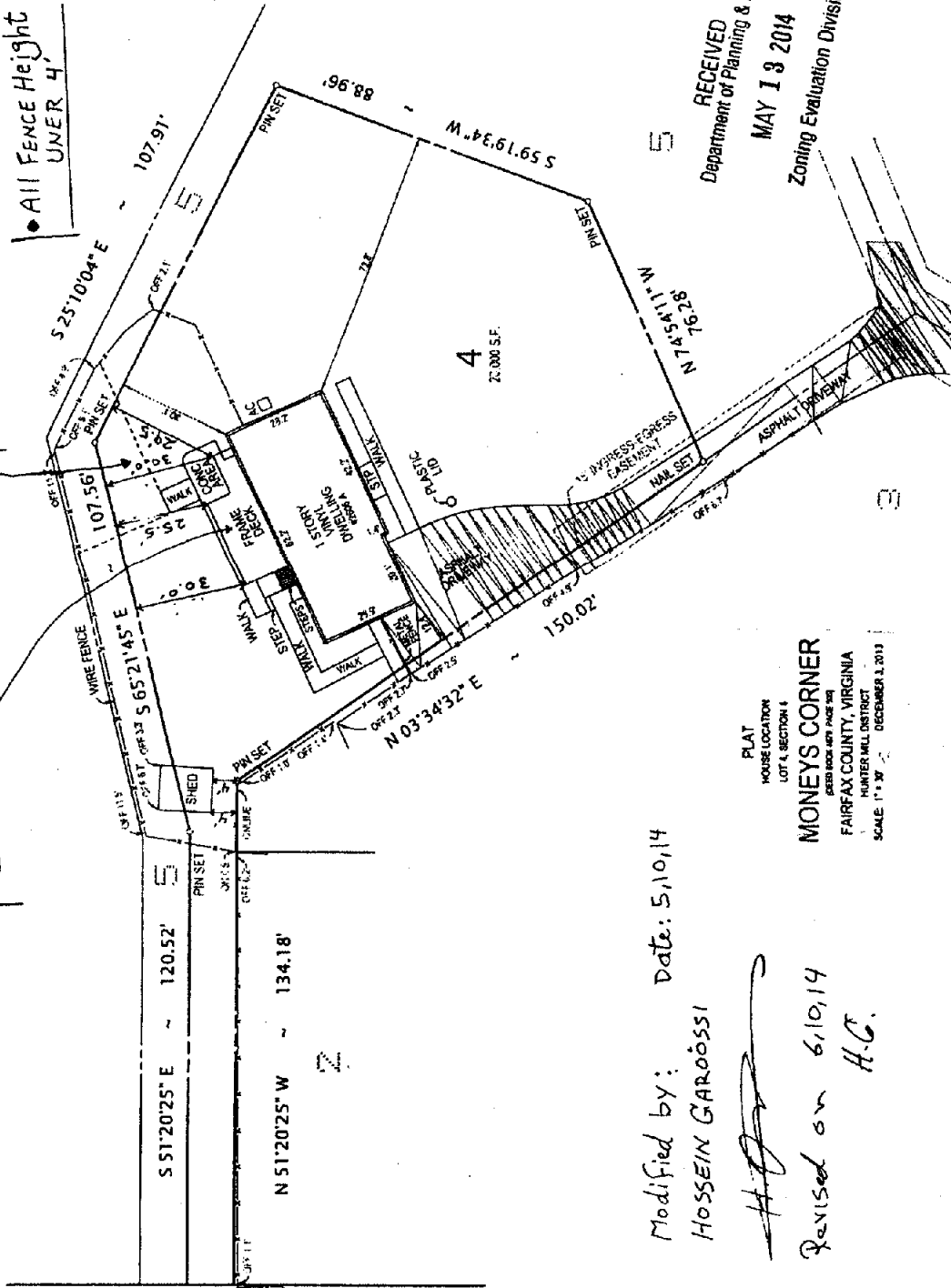
S 51°20'25" E ~ 120.52'

N 51°20'25" W ~ 134.18'

• DECK HEIGHT 8.75'  
DECK AREA 12'x24' FENCEL "H"  
5.3'x11.3'

• DOTTED LINE  
PLAY AREA  
APR. 28'x35'

• ALL FENCE HEIGHT  
UNDER 4'



Modified by: Hossein Garoossi  
Date: 5/10/14

Revised on 6/10/14  
H.C.

PLAT  
HOUSE LOCATION  
LOT 4, SECTION 4  
MONEYS CORNER  
FAIRFAX COUNTY, VIRGINIA  
DEED BOOK 407 PAGE 100  
WATER MILL DISTRICT  
SCALE 1" = 30'  
DECEMBER 1, 2013

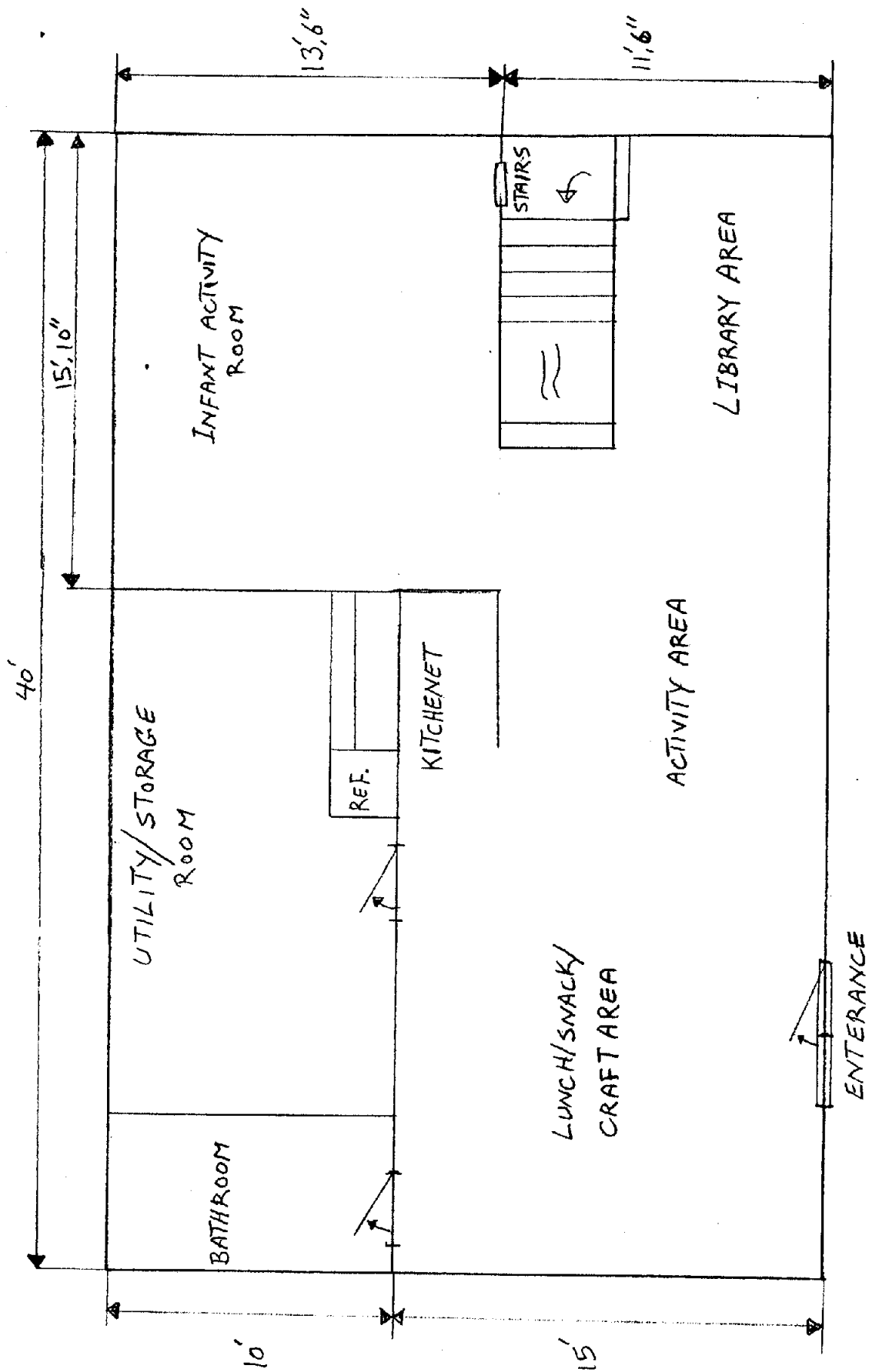
RECEIVED  
Department of Planning & Zoning  
MAY 13 2014  
Zoning Evaluation Division



- DAYCARE FLOOR PLAN 1'
- DRAWN TO SCALE 1'

NOTE: A 14'x13' BEDROOM UPSTAIRS IS USED FOR INFANT'S NAP TIME.

Zoning Evaluation Division





## SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children.

A copy of the special permit plat, titled "Plat, House Location, Lot 4, Section 4, Moneys Corner," as revised by the applicant's husband, Hossein Garoossi, on June 10, 2014, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

Copies of the proposed development conditions, the statement of justification with select file photographs and the affidavit are contained in Appendices 1 through 3, respectively.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a one story, single-family detached dwelling. A concrete walkway and stoop exist to the south of the dwelling. A two-car garage and an asphalt driveway exist to the west of the dwelling. A concrete walkway, frame deck, and a concrete patio exist to the northeast of the dwelling. A shed, the home child care play area, and a fence under 4 feet in height also exist to the north of the dwelling.

The property is located off of Seskey Glen Court. The property also has access to a portion of Lawyers Road that is not developed. All vehicular access is from Seskey Glen Court.

The property is located to the south of the intersection of Lawyers Road and Fox Mill Road. The subject



Figure 1- Aerial View of Subject Property

property and surrounding properties to the east and south are zoned R-1 and developed with cluster subdivision regulations. The properties are developed with single family detached dwellings. The property to the north and east is open space owned by the homeowners association.



## **BACKGROUND**

Fairfax County Tax Records indicate that the single-family dwelling was constructed in 1983 and purchased by the property owner in 1994.

Staff did not find evidence of a building permit for the deck to the north of the house. A development condition has been included to address this issue in Appendix 1.

Records indicate that no other special permit or variance applications relating to a home child care have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

## **DESCRIPTION OF THE PROPOSED USE**

The applicant requests approval of a special permit for a home child care facility for up to 12 children on-site at any one time, between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday. The applicant has a staggered drop-off and pick-up schedule for the children. Currently, there is full-time assistant and one part-time assistant.

The applicant holds a current Family Day Home License, effective for one year and expires on April 9, 2015, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of twelve children, from birth through 9 years of age. A copy of the license is included as Appendix 4.

The home child care facility is operated in the basement and in a nap room on the main floor of the dwelling. The basement includes an activity area, a lunch and craft area, a library area, an infant activity room, a bathroom and a kitchenette. The kitchenette has not been inspected to meet building code. A development condition has been included in Appendix 1 to address this concern.

The basement has two methods of egress; one set of stairs which accesses the upper level of the house and another doorway which accesses the rear yard of the property. Therefore, the basement area has adequate emergency egress.

The play area is located in the rear yard of the property. Pictures provided by the applicant show toys and play equipment located in this area.

**ANALYSIS****Comprehensive Plan Provisions**

**Plan Area:** Area III, Upper Potomac Planning District  
**Planning Sector:** West Ox Community Planning Sector (UP7)  
**Plan Map:** Residential, 0.5-1 du/ac

**On-Site Parking and Site Circulation**

The existing driveway and garage can accommodate eight vehicles: six vehicles in the driveway area, depending on the size of the vehicles, plus two vehicles inside the garage. The applicant parks their personal car in the garage. One assistant park their car on the paved area to the west of the garage and another assistant parks on Seskey Glen Court. Therefore, approximately six driveway spaces are available to be used for drop-off and pick-up of children.

Vehicular access to the site is provided by a pipe stem from Seskey Glen Court. A concrete walkway connects the driveway to the rear of the dwelling, which is the entrance to the home child care.

**Zoning Inspection Branch Comments (Appendix 5)**

Staff found an existing 9 feet 8 inches tall accessory storage structure (shed) located partially in the adjacent yard and does not meet the setback requirements of the Zoning Ordinance. Staff has included a proposed development condition in Appendix 1 to address this issue.

**Zoning Ordinance Requirements (Appendix 6)**

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Sect. 8-305 Additional Standards for Home Child Care Facilities
- Sect. 10-103 Par. 6 Location Regulations

**General Standards for Special Permit Uses (Sect. 8-006)**

<b>Standards 1 and 2</b> Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-1 District permits a home child care facility as an accessory use with special permit approval. The proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the R-1 District.
<b>Standard 3</b>	An outdoor play area with play equipment, a fence and a



Adjacent Development	accessory storage structure are all located on the adjacent property. Staff has included a development condition to address this issue.
<b>Standard 4</b> Pedestrian/Vehicular Traffic	Arrival and departure times of the children are staggered and staff has proposed a development condition for the driveway to be made available for the home child care use. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 5</b> Landscaping/Screening	There is existing vegetation and fencing that screens the play area from the neighbors. There have been no complaints from the neighbors about the existing home child care use.
<b>Standard 6</b> Open Space	The proposed use will not encroach or impact the existing open space.
<b>Standard 7</b> Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property or use. As previously discussed, the driveway would be used for parking for the home child care use.
<b>Standard 8</b> Signs	Sect. 10-103 of the Zoning Ordinance prohibits signs for home child care facilities.

**Standards for all Group 3 Uses (Sect. 8-303)**

<b>Standard 1</b> Lot Size and Bulk Regulations	The lot size and bulk regulations for the dwelling and the subject property were previously satisfied with the development of the property. However, with the imposed development conditions the applicant will move the shed, play area and fencing to meet Zoning Ordinance standards.
<b>Standard 2</b> Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
<b>Standard 3</b> Site Plan	Home child care facilities are not subject to the provisions of Article 17, Site Plans.

**Additional Standards for Home Child Care Facilities (Sect. 8-305)**

<b>Standard 1</b> Maximum of 12 Children & Non-Resident Employee	The applicant is proposing a maximum of 12 children at any one time, which does not exceed the maximum number of children permitted at any one time. The applicant requests two non-resident employees.
<b>Standard 2</b> Access and Parking	Arrival and departure times of the children are staggered and parking is available on the driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 3</b> Landscaping/Screening	There is existing vegetation and a fence in the rear yard that provide screening to the outdoor play area.

<b>Standard 4</b> Submission Requirements	The applicant submitted a house location survey in lieu of a special exception plat, which is a permissible alternative.
<b>Standard 5</b> Code of Virginia, Title 63.2, Chapter 17	The applicant has a valid home child care license as outlined in a previous section.

**Use Limitations (Par. 6 of Sect. 10-103)**

<b>Part A</b> Maximum Number of Children	The maximum number of children permitted by-right at any one time is seven in a single family detached dwelling. The applicant requests special permit approval to allow a maximum of twelve children at any one time.
<b>Part B</b> Licensed Provider/Primary Residence	The applicant is a state licensed home child care provider and the subject property is the provider's primary residence.
<b>Part C</b> No Exterior Evidence Except Play Equipment	There is no exterior evidence of the proposed use except movable play equipment and toys.
<b>Part D</b> Non-Resident Employee	The applicant is proposing two non-resident persons paid or unpaid. Staff is proposing a development condition to allow two non-resident employees.
<b>Part E</b> Provider is a Non-Resident	The provider is a resident.
<b>Part F</b> Code of Virginia, Title 63.2, Chapter 17	Chapter 30 of the Code of the County of Fairfax addresses home child care facilities and Title 63.2, Chapter 17 of the Code of Virginia addresses licensure and registration procedures. The applicant has a valid state home child care license.
<b>Part G</b> Increase in Children or Non- Resident Person	The maximum number of children permitted by-right at any one time is 7 in a single family detached dwelling and can be increased to up to 12 children with special permit approval. The applicant requests special permit approval to allow a maximum of twelve children at any one time.

**CONCLUSION**

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the adoption of the Proposed Development Conditions



contained in Appendix 1 of the staff report.

## **RECOMMENDATION**

Staff recommends approval of SP 2014-HM-103 for the home child care facility with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Statement of Justification with Select File Photographs
3. Applicant's Affidavit
4. State Family Day Home License
5. Zoning Inspections Branch Comments
6. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-HM-103****December 3, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-HM-103 located at Tax Map 26-3 ((14)) 4 to permit a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Farnaz Javidanrad only, and is not transferable without further action of the Board, and is for the location indicated on the application, 2606 A Seskey Glen Court, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, Plat, House Location, Lot 4, Section 4, Moneys Corner,” as revised by the applicant’s husband, Hossein Garoossi, on June 10, 2014 and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit **SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY** of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care facility shall be limited to 7:00 a.m. to 5:30 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on-site at any one time shall be twelve, excluding the applicant’s own children.
7. The maximum number of assistants for the home child care shall be two.
8. The driveway shall be made available for the pick-up and drop-off of the children during the hours of operation.
9. The existing two-car garage shall not be converted to any use that would preclude the parking of vehicles and shall accommodate parking for the dwelling and the home child care facility.
10. There shall be no signage associated with the home child care facility.
11. Prior to the establishment of the home child care use, the accessory storage structure, fence and play area as defined on the special permit plat will all be relocated in their entirety to the subject property within six months of the decision of this application. The



applicant shall meet all the setback and location requirements of the Zoning Ordinance in determining the placement of these items.

12. The deck and stairs shall not be used in any way for the home child care, including but not limited to be used as a play area or as access to the rear yard until approval of a final inspection.
13. The applicant shall obtain all necessary permits and approvals for permits related to the installation of the kitchenette.
14. Approval of this use is contingent upon maintenance of a state license for the home child care.
15. The accessory storage structure (shed) shall remain locked during the hours of operation for the home child care.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

**STATEMENT OF JUSTIFICATION  
FOR A HOME CHILD CARE FACILITY**

RECEIVED  
Department of Planning & Zoning

FEB 28 2014

Zoning Evaluation Division

**Name:** FARNAZ JAVIDANRAD  
**Address:** 2606A Seskey Glen Court  
Herndon, VA 20171  
**Phone #:** 703-716-9088  
**E-mail:** Kamran\_g@msn.com

**Date:** 2-27-2014

Fairfax County Department of Planning & Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, VA 22035

**Re:** Special Permit Application

**Applicant:** Farnaz Javidanrad  
**Zoning Ordinance** Section 8-305 for Home Child Care Facility  
Section 8-004 of General Standards  
**Tax Map #:** 0263-14-0004  
**Zoning District:** R-1  
**Lot Size:** 20,000 SF

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a home child care facility in my home. I own and live in a detached dwelling at: 2606A Seskey Glen Court Herndon VA. 20171.

The property is zoned R-1, and I understand I need to seek approval of a special permit in order to operate a child care facility within my home, I am currently licensed by the state of Virginia to have 12 children in my child care facility in my home. I have been operating this day care for the last 8 years and have been licensed for 12 children for the last 6 years.

**Below is information about my child care facility's operations:**

**Hours of operation:** From 7:00AM To 5:30PM

**Number of children:** I care for up to 12 children. Not including my own one child.

**Employees:** I have one full-time and one part-time assistant.

**Arrival Schedule:** Between 7:00AM to 7:30AM, normally we receive 3 to 4 children  
Between 7:30AM to 8:00AM, 1 to 2 more children arrive  
Between 8:00AM to 9:00AM, 4 to 5 more children arrive  
After 9:00AM we receive the last 1 or 2 of the children



**Area Served:** Most of the families that I provide care for their children come from close by neighborhoods, such as Reston, Herndon and Oak Hill.

**Operations:** As I have stated, my house is a single family detached dwelling. It has two level of approximately the same size. The lower level is completely set up and used specifically for my child care facility. Additionally one of the upper level bedrooms is used for infant's nap time.

Our lower level has a main area of 15' X 40' which includes the circle time area, eating area, crafts area, the Library and free play area, and a small kitchenette. There is also a full bath which is only used for childcare. Also in the lower level there is an infant playing room area about 14'X16'. The room upper level that is used for infant's nap is 13'X13.5'. There is a total of about 985suar feet of space used for my home day care facility.

**Hazardous or Toxic Substances:**

The house and yard are free from hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated and/or disposed of onsite.

**Zoning Ordinance Compliance:**

The proposed development confirms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

**Outdoor Play Area:** I use my completely fenced and gated back yard for outdoor play for the children. The area is approximately 980 Square feet of space. The play area is consisting of number of various age-appropriate play sets in a safe area covered with rubber mulch.

**Parking:** we have a long driveway with a two car garage, which we keep the only one family car that we currently own. My full-time assistant parks her car in the Seskey Glen Court (where no one else uses that spot) and my part-time assistant who arrives at 9:30AM (when all our children have already arrived) parks on the side of our garage near the fence.

This leaves our whole driveway for parents to park, drop off or pick up their children and turn their car around in our driveway and depart.

For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

I would like to add that, in the past 8 years, I have always ran a quality daycare and worked hard to give an excellent service to our families. I have many happy and satisfied families and with great references that makes me feel good knowing that while making a living, I am helping my community to grow healthy, happy and smart children. I also value my relationship with my neighbors and always talk to them to make sure they are happy and that my day care does not affect them in any negative way.

In conclusion, I am asking for a special permit for my Home day care facility to be able to continue operating it, at its current capacity of 12 children.

Thank you,  
Farnaz Javidanrad













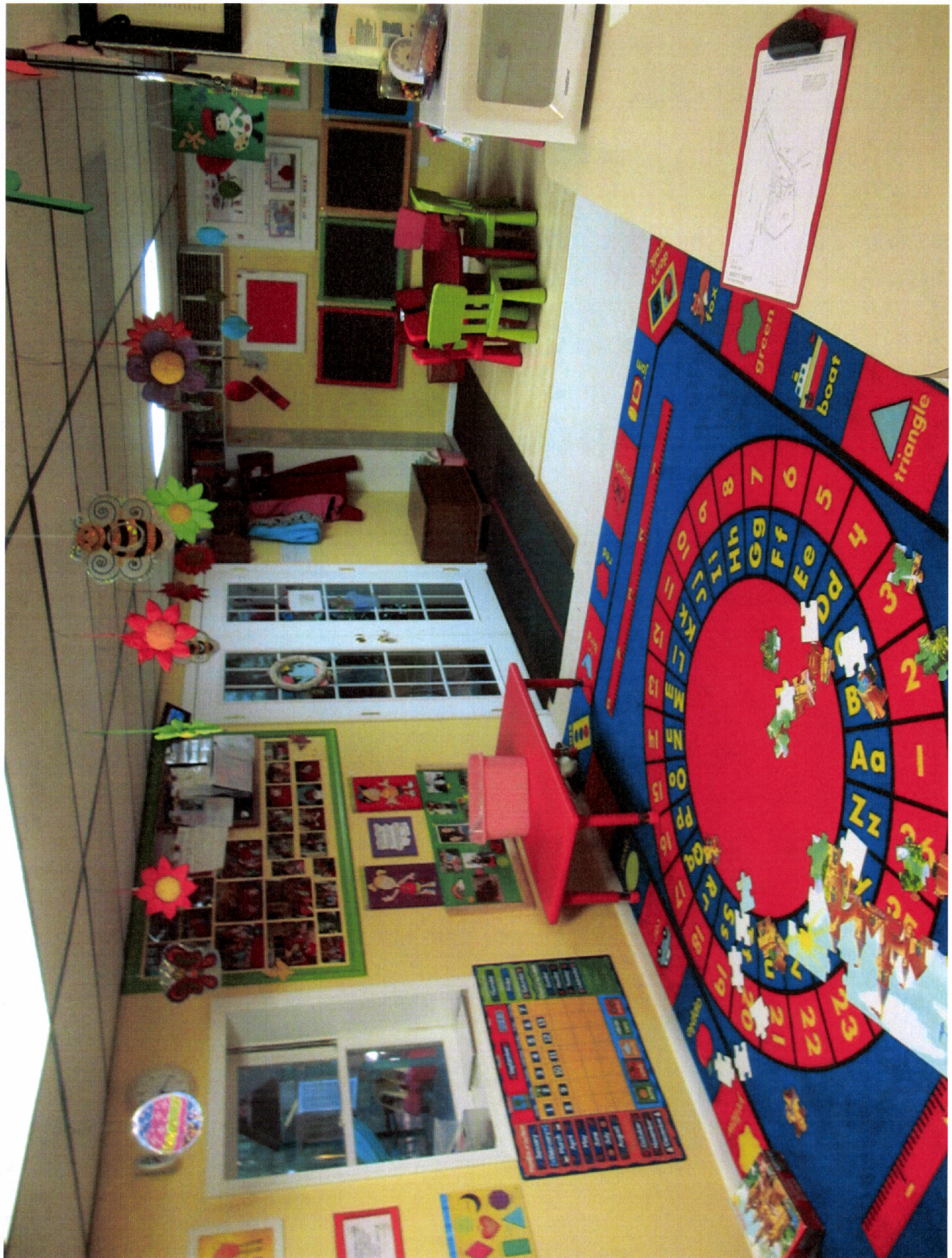


















Application No.(s):

SP 2014-HM-103

(county-assigned application number(s), to be entered by County Staff)

## SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

2,27,2014

(enter date affidavit is notarized)

124589

I, FARNAZ JAVIDANRAD, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one)

☒

applicant

☐

applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE**,\*\* each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE**: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

## NAME

(enter first name, middle initial, and last name)

## ADDRESS

(enter number, street, city, state, and zip code)

## RELATIONSHIP(S)

(enter applicable relationships listed in **BOLD** above)

FARNAZ JAVIDANRAD

2606A SESKEY GLEN CT.  
HERNDON, VA. 20171APPLICANT/  
HOME  
OWNER'S  
WIFE

HOSSEIN GARDOSSI

2606A SESKEY GLEN CT.  
HERNDON, VA. 20171AGENT/  
HOME  
OWNER

(check if applicable)

☐

There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

CAB 124589

SP 2014-HM-103

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 2,27,2014  
(enter date affidavit is notarized)

124 589

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

N/A

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

N/A

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.



Application No.(s):

SP 2014-HM-103  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 2, 27, 2014  
(enter date affidavit is notarized)

124589

- 1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

N/A

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

124589

Application No.(s): SP 2014-HM-103  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 2, 27, 2014  
(enter date affidavit is notarized)

124589

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.



Application No(s):

SP 2014-HM-103  
(county-assigned application number(s), to be entered by County Staff)

Page Five

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

2, 27, 2014

(enter date affidavit is notarized)

124589

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)**

NONE

**(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)**

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

☒ Applicant's Authorized Agent

Farnaz Javidanrad, Hossein GAROOSI  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 27<sup>th</sup> day of February 2014, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires:

09/30/2016

Notary Public



**Farnaz Javidanrad**  
2606-A Seskey Glen Court  
HERNDON, VA 20171  
(703) 716-9088

Facility Type: [Family Day Home](#)  
License Type: [One Year](#)  
[Expiration Date:](#) April 9, 2015  
Business Hours: 7:00 a.m. - 5:30 p.m.  
Monday - Friday  
Capacity: 12  
Ages: 0.0 years 0.0 months - 9.0 years 11.0 months  
Inspector: Martha Pauly  
(703) 359-6786

Source:

[http://www.dss.virginia.gov/facility/search/cc.cgi?rm=Details;ID=33007;search\\_keywords\\_name=javidanrad](http://www.dss.virginia.gov/facility/search/cc.cgi?rm=Details;ID=33007;search_keywords_name=javidanrad)



## County of Fairfax, Virginia

## MEMORANDUM

Date: September 25, 2014

To: Laura Gumkowski, Planner II  
Zoning Evaluation Division  
Fairfax County Department of Planning and Zoning

From: Dawn Curry  
Senior Zoning Inspector  
Zoning Inspection Branch

Subject: Home Child Care

Applicant: Farnaz Javidanrad  
2606A Seskey Glen Court, Herndon, Virginia 20171  
Moneys Corner, Lot 4, Sec 4  
Tax Map# 26- 3 ((14)) 0004      Zoning District: R-1(Residential 1 DU/AC)  
Magisterial District: Hunter Mill  
Mail Log # 2014-0405  
Date of Inspection: September 23, 2014

KEY: A "✓" mark in a box indicates that the item was deficient. An unmarked box indicates that no violation was found.

- ☐ Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)
- ☐ An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- ☐ All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.



- ☐ All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.
- ☐ Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- ☐ Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.
- ☐ A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
- ✓ Structures comply with the Zoning Ordinance.

*12' x 14' & 9' 8" tall accessory structure (shed) is partially located in the adjacent lot(5).*



**8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-303 Standards for all Group 3 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

**8-305**

**Additional Standards for Home Child Care Facilities**

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
  - A. The dimensions, boundary lines and area of the lot or parcel.
  - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
  - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
  - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.



**Sect. 10-103 Use Limitations**

6. The following use limitations shall apply to home child care facilities:

- A. The maximum number of children permitted at any one time shall be as follows:
  - (1) Seven (7) when such facility is located in a single family detached dwelling.
  - (2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

The maximum number of children specified above shall not include the provider's own children.

- B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.
- C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.
- D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.
- E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.
- F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.